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Of Counsel

September 5, 2024

VIA ECF

The Honorable Eric N. Vitaliano, U.S.D.J.
United States District Court
Eastern District of New York
225 Cadman Plaza East, Room #
New York, New York 11201

**RE: UNITED STATES V. JOSEPH CUTAIA, ET AL.
CASE NO. 1:10-CR-10 (ENV)**

Dear Judge Vitaliano:

As the Court may recall, I represent defendant Joseph Cutaia in connection with a violation of supervised release filed in the above-referenced matter. This case is on the Court's calendar for a status conference on September 6, 2024 at 11:30a.m. I am writing to respectfully request a one-week adjournment of the conference for the following reasons.

On July 26, 2024, this matter was adjourned to September 6th to allow the Probation Department to file additional charges against Mr. Cutaia. A supplemental report was filed by Probation on September 3, 2024. The next day, I received a proposed disposition from the Government regarding the pending violations. Unfortunately, because of the short turnaround, my time to meet with Mr. Cutaia to discuss the Government's proposal before the September 6th conference date was limited. Nevertheless, I attempted to meet with Mr. Cutaia earlier this afternoon at MDC but was advised by jail staff that he was in the hospital. No further information was provided.

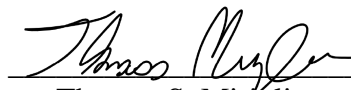
Based on the above, it is unclear whether Mr. Cutaia will be produced for his scheduled court appearance tomorrow. Notwithstanding that uncertainty, I will need additional time to

discuss this matter with Mr. Cutaia and determine how he intends to proceed. Therefore, I respectfully ask that the Court adjourn the conference for one week to work out these issues.

Kindly note that counsel for the United States, Devon Lash, has been consulted and does not oppose this request.

Your Honor's kind attention and consideration in this matter is greatly appreciated.

Respectfully submitted,


Thomas S. Mirigliano

Cc: William Villanueva, Courtroom Deputy (via ECF & email)
AUSA Devon Lash (via ECF & email)